

## **REMARKS**

### **Summary of the Office Action**

Claim 2 is objected to because of alleged informalities. Appropriate correction is required.

Claims 8-9 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

Claims 8-9 stand rejected under 35 U.S.C. § 101 because the “claimed invention is directed to non-statutory subject matter.”

Claims 1-2, 4-5 and 8-9 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Logan et al. (U.S. PGPub No. 2003/0093790) (hereinafter “Logan”) in view of Imada et al. (U.S. Patent No. 7,254,318) (hereinafter “Imada”) in view of Dudkiewicz et al. (U.S. Patent No. 7,434,247) (hereinafter “Dudkiewicz”).

### **Summary of the Response to the Office Action**

Applicants have newly-amended independent claims 1 and 8, dependent claims 2 and 9, and added new dependent claims 10-13, to differently describe embodiments of the disclosure of the instant application and/or to improve the form of the claims. Accordingly, claims 1, 2, 4, 5 and 8-13 are currently pending for consideration.

**Claim 2 Objection**

Claim 2 is objected to because of alleged informalities. Appropriate correction is required. Applicants have amended dependent claim 2 to differently describe embodiments of the disclosure of the instant application and/or to improve the form of the claim in response to the Examiner's comments at page 2 of the Office Action. More particularly, Applicants amended dependent claim 2 by adding --by changing-- and deleting "to change." Accordingly, Applicants respectfully request that the objection to claim 2, and the associated requirement for correction, be withdrawn.

**Rejection under 35 U.S.C. § 112, Second Paragraph**

Claims 8-9 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicants have newly-amended independent claim 8 and dependent claim 9 in order to improve the form of the claims in response to the Examiner's comments at page 4 of the Office Action. Applicants respectfully submit that all of the currently pending claims, as amended, fully comply with the requirements of 35 U.S.C. § 112, second paragraph. Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. § 112, second paragraph be withdrawn.

**Rejections under 35 U.S.C. § 101**

Claims 8-9 stand rejected under 35 U.S.C. § 101 because the "claimed invention is directed to non-statutory subject matter." Applicants have amended independent claim 8 and

dependent claim 9 to differently describe embodiments of the disclosure of the instant application and/or to improve the form of the claims in response to the Examiner's comments at pages 4-5 of the Office Action. Accordingly, Applicants respectfully submit that independent claim 8 and dependent claim 9 fully comply with the requirements of 35 U.S.C. § 101. Accordingly, withdrawal of the rejections under 35 U.S.C. § 101 is respectfully requested for at least the foregoing reasons.

**Rejection under 35 U.S.C. § 103(a)**

Claims 1-2, 4-5 and 8-9 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Logan in view of Imada in view of Dudkiewicz. Applicants have newly-amended independent claims 1 and 8, and dependent claims 2 and 9 to differently describe embodiments of the disclosure of the instant application and/or to improve the form of the claims. To the extent that these rejections might be deemed to still apply to the claims as newly-amended, they are respectfully traversed for at least the following reasons.

Applicants respectfully submit that in newly-amended independent claims 1 and 8 of the instant application, the phrase "the reencoding means reencodes the corresponding acquired recorded information to be degraded after an elapsed time from recording" in response to the preference degree is described, for example, in paragraphs [0022] to [0027] of the specification and Fig. 1 of the instant application. Applicants respectfully submit that this phrase is not disclosed, or even suggested, by any of the cited references, whether taken separately or in combination with each other.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. § 103(a) should be withdrawn because none of Logan, Imada, and Dudkiewicz, whether taken separately or combined, teach or suggest each feature of newly-amended independent claims 1 or 8 of the instant application. As pointed out by MPEP § 2143.03, “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.’ In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).” Since the prior art does not disclose or suggest any of the combinations recited in Applicants’ claims, and if anything appears to teach away from the current claim recitations, KSR Int’l Co. v. Teleflex Inc., 127 S.Ct. 1727 (2007), Applicants submit that such recited combinations would not have been obvious in view of the applied references of record, whether taken alone or combined in the manner suggested by the Examiner in the Office Action.

Furthermore, Applicants respectfully assert that the dependent claims 2, 4-5 and 9-13 are allowable at least because of their dependence from independent claim 1 or 8, and the reasons discussed previously.

The Examiner makes certain assertions with regard to 35 U.S.C. § 112, sixth paragraph at pages 2-3 of the Office Action. Applicants do not necessarily concede to these points.

### **CONCLUSION**

In view of the foregoing, Applicants submit that the pending claims are in condition for allowance, and respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this

response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

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Respectfully submitted,

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